

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**1:17-CV-134
(FJS/DEP)**

CAROL-LISA GUTMAN,

Defendant,

THRIVENT FINANCIAL,

Garnishee.

APPEARANCES

OF COUNSEL

**OFFICE OF THE UNITED
STATES ATTORNEY**

MARY E. LANGAN, AUSA

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Attorneys for Plaintiff

CAROL-LISA GUTMAN

Defendant *pro se*

THRIVENT FINANCIAL

625 South 4th Avenue
Minneapolis, Minnesota 55415
Attorneys for Garnishee

SCULLIN, Senior Judge

ORDER

On February 13, 2017, the Court (Peebles, M.J.) issued an Order approving the application for a Writ of Garnishment. *See* Dkt. No. 2. The Clerk of the Court issued the Writ of Garnishment

the same day. *See* Dkt. No. 3. The writ is related to the enforcement of a judgment the Court entered against Defendant in favor of Plaintiff United States of America ("the Government"). In response to the Writ, Defendant filed a request for a hearing, arguing that she disagreed with the reason that the Government had given for taking her property, she did not owe the money to the Government, and the property the Government sought to take was exempt. *See* Dkt. No. 5 at 4. The Court (Peebles, M.J.) directed the Government to file a response to Defendant's request, which it did on March 24, 2017. *See* Text Notice dated March 13, 2017; Dkt. No. 8.

On April 13, 2017, Magistrate Judge Peebles issued a Report and Recommendation in which he recommended that the Court find that the life insurance policy in question is not exempt and that Defendant is not entitled to an evidentiary hearing. *See, generally*, Dkt. No. 9. The parties did not file any objections to those recommendations.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Peebles' April 13, 2017 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Peebles' April 13, 2017 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

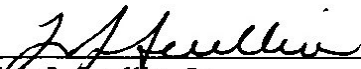
ORDERS that Defendant's request for an evidentiary hearing, *see* Dkt. No. 5, is **DENIED**;

and the Court further

ORDERS that Joseph Gutman, Jr.'s request for an Order discharging the writ of garnishment issued to garnishee Thrivent Financial, *see* Dkt. No. 6, is **DENIED**.

IT IS SO ORDERED.

Dated: May 10, 2017
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge